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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 000671

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SUBJECT: PAKISTAN: THE ELUSIVE 2/3 VOTE

Classified By: Anne W. Patterson, for reasons 1.4 (b)(d)

¶1. (C) Summary. Since President Musharraf's decision November 3 to declare a state of emergency and suspend the constitution, his opponents have been gaming out the possibility of impeachment in the next National Assembly. Some have suggested that the government's attempts to rig the polls are not aimed merely at ensuring a win, but at obtaining the two-thirds majority needed to impeach the President. The February 18 elections will determine the strength of the opposition in the National Assembly. However, Musharraf's party continues to control the Senate, whose votes are also needed for impeachment. Most analysts predict that no party will win a majority in the Assembly, and the leaders of the largest opposition party have indicated they are not interested in impeaching Musharraf. This is Pakistan, and things could change, but we find the impeachment scenario improbable at this time. End Summary.

¶2. (C) Ever since Musharraf's November 3 decision to declare a state of emergency and his "extra-constitution" action to suspend the constitution, his opponents have been discussing the possibility of impeachment. There are varying legal opinions on whether Musharraf must seek National Assembly approval of his November 3 ordinances. Normally, the parliament would have to bless, ex-post facto, any presidential ordinance. However, Musharraf by ordinance November 21 issued a constitutional amendment indemnifying his actions and ensuring he did not need ratification from the parliament. Whether a president can unilaterally amend the constitution remains a subject of some legal debate. The newly reconstituted Supreme Court and the parliament (albeit with no opposition present) both verified the legality of the state of emergency.

¶3. (C) Despite this legal muddle, most analysts believe that the National Assembly which will be elected on February 18 will review the November 3 actions. Some opposition members speculate that the government is working to rig the elections, not to merely ensure a win for Musharraf's Pakistan Muslim League (PML), but to block formation of the two-thirds majority needed to impeach the President.

¶4. (U) On October 6, 2007, Musharraf was re-elected to a second five-year term as President. Under the constitution, a president can be impeached by a two-thirds majority of a joint National Assembly-Senate sitting on the grounds of physical or mental incapacity, violating the constitution, or gross misconduct.

15. (C) Musharraf's PML still controls the Senate, which is not up for re-election until 2009. For this reason alone, impeachment is an implausible option. However, Musharraf has stated publicly several times that if the parliament tried to impeach him, he would quit. Whether that would really be the case remains to be seen; given Musharraf's personality, he easily could decide to stand and fight.

16. (C) Any successful effort at impeachment would require the opposition parties to obtain a two-thirds majority. At this point, Nawaz Sharif and his Pakistan Muslim League-N (PML-N) party likely would support an effort to oust Musharraf. The other anti-Musharraf members of the All Parties Democratic Movement, though, are boycotting the elections and will not be present to vote as Assembly members for impeachment. Both Pakistan People's Party (PPP) Co-Chairman Asif Zardari and PPP Vice-Chairman (and probable Prime Minister candidate) Amin Faheem have told us flatly that they are not interested in impeaching Musharraf. Other smaller parties that may have a significant share of votes (Muttahida Quami Movement, Jamiat Ulema-e-Islam, and the Awami National Party) may not support an impeachment movement.

17. (C) The February 18 election will determine the strength of the opposition, but it does not appear that any one party will win a majority. Musharraf's party may well be part of the post-election negotiations on government formation. PML also may retain a solid percentage of votes in the National Assembly to add to its Senate majority; thus it could form an alliance to block impeachment. The National Assembly could, through introduction of an impeachment resolution, perhaps create sufficient political pressure to hound Musharraf into quitting. However, we believe the

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prospect of the National Assembly successfully impeaching Musharraf to be improbable at this time.  
PATTERSON